

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

MICHAEL WILLIAMS,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO. 3:11-CV-47
)	
FRANK CANARECCI, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court on Plaintiff Michael Williams's motion for leave to amend his complaint. For the reasons set forth below, the Court **GRANTS** the Plaintiff leave to amend his complaint and affords him time within which to file an amended complaint containing all of the claims the Plaintiff wishes to present to the Court, and naming all of the defendants the Plaintiff wishes to sue.

Williams is a federal prisoner currently confined at the Terre Haute United States Penitentiary. His complaint deals with events that occurred while he was confined at the St. Joseph County Jail in October 2010. The Court screened the complaint pursuant to 28 U.S.C. § 1915A, granted the Plaintiff leave to proceed against Custody Captain N. Huffvine in his individual capacity for damages on the claim that he used excessive and unnecessary force on the Plaintiff, allowed him to proceed against Jail Warden Julie Lawson in her individual capacity for damages on the claim that she was deliberately indifferent to his serious medical needs, and

dismissed all other claims and Defendants pursuant to Section 1915A.

In his original complaint, Williams named a Jane Doe Property Officer and John Doe Custody Officers. The Court dismissed these defendants in its screening order with the proviso that "[i]f Williams is later able to identify these jail officials through discovery, he may seek to amend his complaint to add them as defendants" (DE 4 at 15). In his motion for leave to amend his complaint, Williams states that he has now identified some of the Doe defendants, and seeks to add Jail Property Officer Yolanda Miller-Lewis, Custody Sergeant David Williams, and Custody Officer Nestor Gomez as defendants.

Federal Rule of Civil Procedure 15(a) provides that leave to amend a complaint should be "freely given when justice so requires." Accordingly, the Court will grant the Plaintiff leave to file one comprehensive amended complaint containing all of the claims the Plaintiff wishes to present to the Court, and naming all of the defendants the Plaintiff wishes to sue. The Plaintiff need not serve Defendants Huffvine and Lawson with a copy of the amended complaint, but he must serve their counsel with a copy of the amended complaint. The Plaintiff must submit the materials necessary for the Marshals Service to serve any defendants he wishes to add in his amended complaint.

For the foregoing reasons, the Court:

(1) **GRANTS** the Plaintiff's motion for leave to amend his complaint (DE 31), and **AFFORDS** him until September 17, 2012, within which to file an amended complaint containing all of the claims he wishes to present to the Court, and naming all of the defendants he wishes to sue;

(2) **DIRECTS** the Clerk to enclose a blank 42 U.S.C. § 1983 form with this cause number printed on it with the copy of this order sent to the Plaintiff. The Court also **DIRECTS** the Clerk to enclose sufficient summonses and process receipt and return forms for three new defendants along with the copy of this Order sent to the Plaintiff; and

(3) **VACATES** the scheduling order (DE 24). The Court will enter another scheduling order after the amended complaint is screened.

DATED: August 13, 2012

/S/RUDY LOZANO, Judge
United States District Court